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**U.S. Citizenship
and Immigration
Services**

G3

FILE:

Office: LOS ANGELES

Date: **JUN 29 2004**

IN RE:

Obligor:
Bonded Alien


IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained. The decision declaring the bond breached will be withdrawn, and the bond will be canceled.

The record indicates that on August 8, 2003, the obligor posted a \$1,500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated August 7, 2003, was issued granting the alien voluntary departure in lieu of removal on or before December 5, 2003. On February 20, 2004, the field office director concluded the bond had been breached.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be canceled, the alien must provide proof of departure to the field office director.

On appeal, the obligor provides a photocopied Form I-392, Verification of Departure-Bond Case dated February 5, 2004 from the United States Embassy, in Manila, Philippines along with the alien's boarding pass and travel documentation. The Form I-392 indicates that the alien appeared at the Embassy on February 5, 2004 with travel documentation confirming his departure from the United States on December 5, 2003 via Philippines Airlines. The authenticity of the Form I-392 has been verified by a representative of the United States Embassy in Manila, Philippines.

Based on the documentation from the United States Embassy in Manila, Philippines establishing that the bonded alien timely departed the United States, the field office director's decision to breach the bond will be withdrawn, and the bond will be cancelled

ORDER: The appeal is sustained. The bond is cancelled.